



## Planning Board September 26, 2006

### CASE NO.

**Z-09-06**

**Petitioner(s)**

*(Reconsideration due to Amended Application)*

**Owner(s)**

John Mauney, Fowler Agency, Inc.

**Address**

Thomas O. Eller, et al.

**Tax Map and Parcel(s)**

**Unnumbered Henderson Grove Church Road**

**Size / Scope**

407-115

**Location**

Approximately 50.96 acres, encompassing 1 parcel

Located along the west side of Henderson Grove Church Road, approximately ½-mile north of Peach Orchard Road.

### PETITIONER REQUEST

**Request to establish the M-2 (Heavy Industrial) City zoning district on the rear 42.65 acres of TM&P 407-115 and establish the M-1 (Light Industrial) City zoning district on the front 7.731 acres of TM&P 407-115 for a total parcel acreage of 50.381 acres (which excludes Right-of-Way) as part of a voluntary annexation, which was made effective September 30, 2006.**

### ZONING

#### **Proposed Zoning:**

City of Salisbury

M-1 district

*Light industrial district (M-1).* The light industrial district is to provide areas for the location of wholesaling and industries for manufacturing, processing, and assembling parts and products, distribution of products at wholesale, transportation terminals, none of which will create smoke, fumes, noise, odor, dust or which will be detrimental to the health, safety, and general welfare of the community.

M-2 district

*Heavy industrial district (M-2).* The heavy industrial district is intended to provide an area for the location of general manufacturing, fabricating, processing and assembling of parts and products for distribution at wholesale, wholesaling, and transportation terminal uses.



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### Existing Zoning:

Rowan County  
85-ED-3 district:

### Economic development districts established for I-85

(a) The following district[s] are hereby established to preserve, encourage and enhance the economic development opportunities in areas adjacent and near I-85 in accordance to plans adopted by the county board of commissioners. It is recognized that I-85 is uniquely important the future of the county because of the great potential for development of all types that exist along this corridor. Development within these districts shall be of types which maximize the economic benefits to the county while minimizing the potential impacts.

(b) The district[s] are designed to accommodate, as appropriate, uses such as manufacturing, distribution, retail, service industries, corporate parks. Certain individual uses may be allowed as uses by right in some districts, while other more intensive uses may require a higher level of review and approval by the county. The districts encourage and allow more creative design of land development than may be provided on other general zoning districts. This flexibility is provided for planned unit developments.

(c) The district are labeled as 85-ED 1 through 4. "85" represents the relationship to I-85. "ED" represents the economic development designation for the sites.

(3) *85-ED-3 Corporate Park District.* Some areas with good interstate visibility, good access and good surrounding environment may be suitable for high-end corporate headquarters. This may or may not include manufacturing. The purpose of the district is to provide for a high-quality mixture of employment uses of varying types in a single coordinated development. Minimum development size is twenty (20) acres and will require approval of a PUD.

a. Allowed primary uses are:

#### *Manufacturing group:*

Lumber and wood products (SIC 24).

Furniture and fixtures (SIC 25).

Paper and allied products (SIC 26).

Printing and publishing (SIC 27).

Plastic materials, synthetic resins, etc. (SIC 282).

Drugs (SIC 283).

Rubber and miscellaneous plastics products (SIC 30).

Stone, clay, glass, and concrete products (SIC 32).

Primary metal industries (SIC 33).

Fabricated metal products (SIC 34), except:

Ammunition, except for small arms (SIC 3483).

Ordnance and accessories (SIC 3489).

Industrial machinery and equipment (SIC 35).

Electrical and electronic equipment (SIC 36), except:



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Power distribution and specialty transformers (SIC 3612).

Transportation equipment (SIC 37).

Instruments and related products (SIC 38).

Miscellaneous manufacturing industries (SIC 39).

*Transportation, communication, and utilities group:*

Local and interurban passenger transit (SIC 41).

Motor freight transportation and warehousing (SIC 42).

Transportation services (SIC 47).

*Service industries group:*

Hotels, rooming houses, camps, and other lodging places (SIC 70).

Personal services (SIC 72).

Business services (SIC 73).

Automotive repair, services, and parking (SIC 75).

Health services (SIC 80).

Legal services (SIC 81).

Educational services (SIC 82).

Membership organizations (SIC 86).

Engineering and management services (SIC 87).

b. Allowed accessory and ancillary uses on up to twenty (20) percent of the total acreage:

*Transportation, communication, and utilities group:*

Local and interurban passenger transit (SIC 41).

Transportation services (SIC 47).

*Wholesale trade group:*

Wholesale trade--durable goods (SIC 50).

Wholesale trade--nondurable goods (SIC 51).

*Retail trade group:*

General merchandise stores (SIC 53).

Food stores (SIC 54).

Eating and drinking places (SIC 58).

Miscellaneous retail (SIC 59).

*Finance, insurance, and real estate group:*

Depository institutions (SIC 60).

*Service industries group:*

Hotels, rooming houses, camps, and other lodging places (SIC 70).

Personal services (SIC 72).

Business services (SIC 73).

Automotive repair, services, and parking (SIC 75).

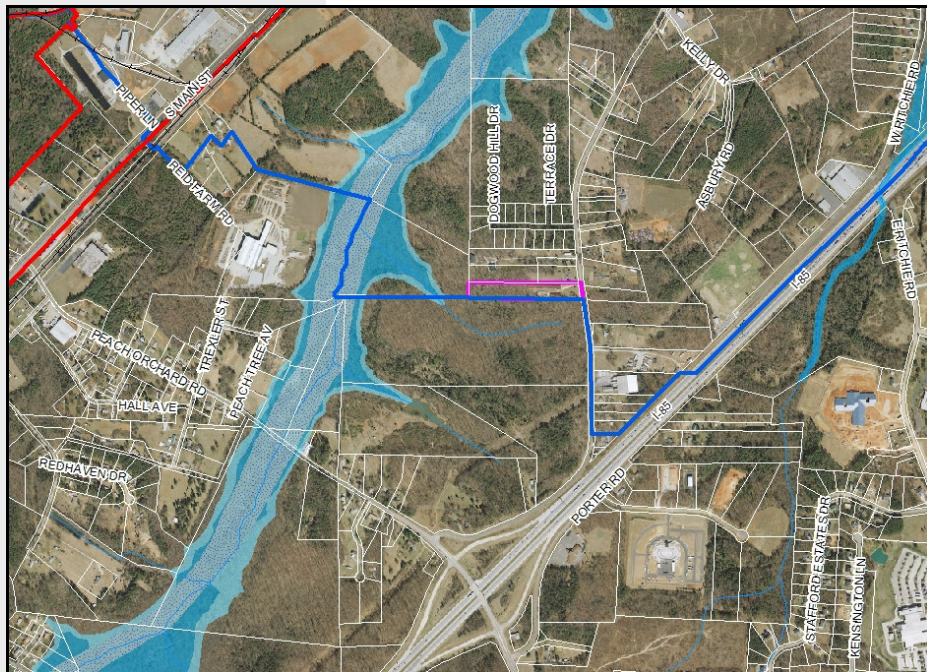
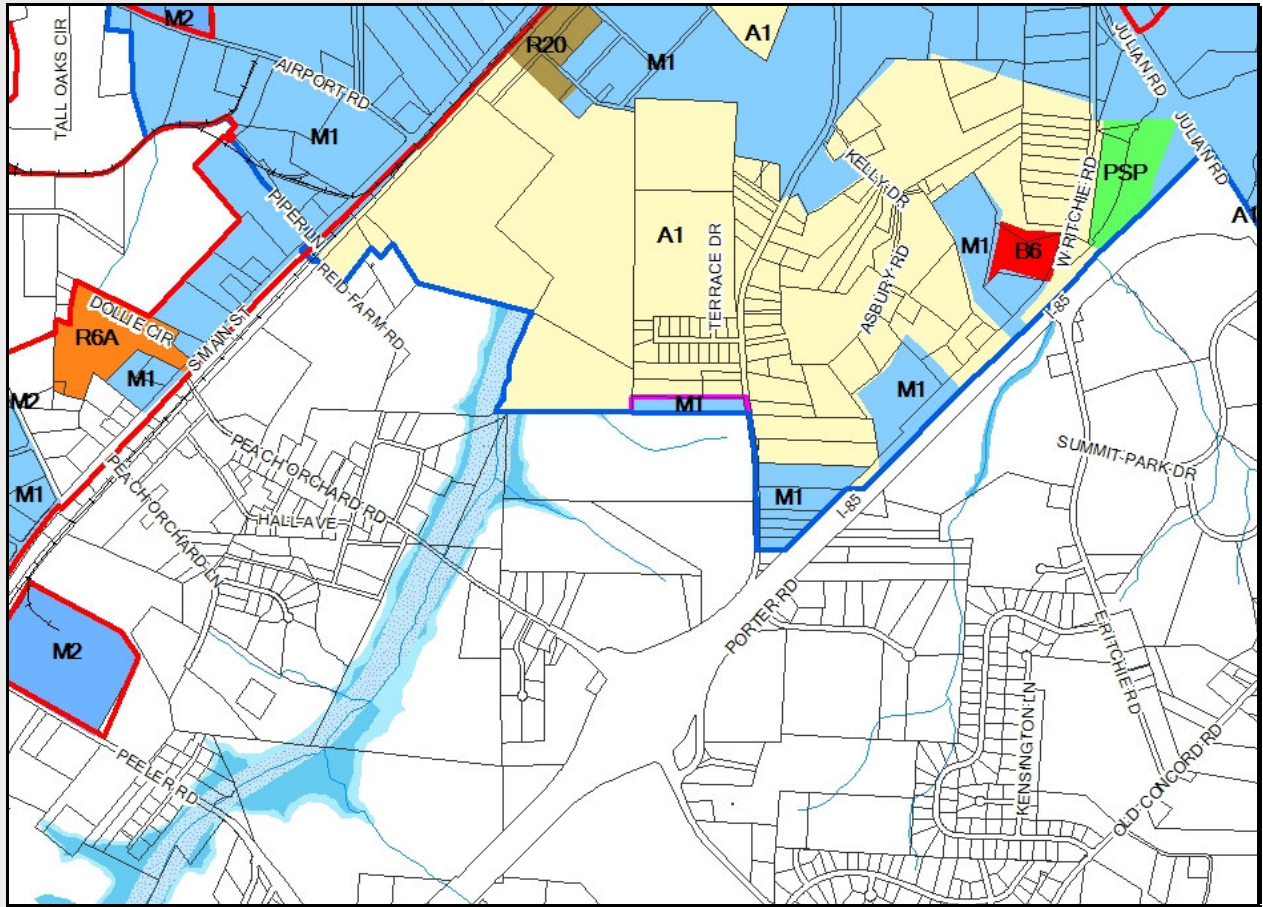


<i>Location</i>		<i>Existing Land Uses</i>	<i>Existing Zoning</i>
North of property		North: Mix of Residential, Light Industrial, & Vacant Northwest: Martin Marietta Materials	City: A-1 & M-1 County: CBI
East of property		Mix of Residential, Light Industrial, & Vacant across Henderson Grove Church Road	City: A-1 & M-1
South of property	Vacant		County: 85-ED-3
West of property		Mix of Residential, Commercial, & Vacant land	County: 85-ED-3 & CBI





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### PROPERTY STATUS

The parcel is undeveloped, heavily treed, and exhibits some topography (30-35 foot changes in elevation) due to two (2) tributaries of Town Creek wrapping around the back side of the property. In addition, Town Creek and its' associated floodplain and floodway runs along the rear (western) property line.

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### POLICY

#### **SALISBURY 2000 STRATEGIC GROWTH PLAN**

#### ***Residential***

##### ***Policy 7.1***

*The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the long term quality of life in Salisbury.*

##### ***Policy 7.2***

*Residential neighborhoods which have become infused or surrounded by non-residential uses may undergo an orderly conversion from residential use to higher density residential use or other compatible alternative land uses.*

#### ***Environment***

##### ***Policy 12.1***

*Continued improvements to public sewage collection and treatment facilities shall be supported, with priority to servicing existing or planned densely developed areas where environmental and economic benefits can be realized.*

##### ***Policy 12.2***

*Development activities in the 100 year floodplain shall be carefully controlled. If development must occur, low intensive uses such as open space, recreation, and agricultural activities shall be preferred.*

##### ***Policy 12.4***

*Industries producing excessive noise, odor, air and water pollution, or other harmful impacts, shall be*



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### ***Industrial***

*discouraged, unless such adverse impacts can be clearly overcome through effective mitigation.*

*Light industries* are generally characterized as having smaller physical plants, lower land requirements and higher worker-to-land ratios. Since light industries typically do not require large land areas, they can be more easily located within urbanized areas, thus enabling them to take maximum advantage of available services and to minimize home to work distances. Light industries should also have easy access to major highway, rail and air facilities. However, care should be taken to see that light industries are located in a manner which will prevent additional traffic generation onto residential streets. Light industrial sites should also be compatible with surrounding and nearby areas. Natural buffers and other types of separation may be required to prevent degradation of adjacent areas and preserve visual aesthetics. *Heavy industries*, for example, are generally characterized as having large physical plants, high land requirements and low worker-to-land ratios. Heavy industrial sites should have easy access to all major modes of regional and inter-regional transportation. The availability of major highway and rail facilities are particularly necessary to provide for the efficient movement of raw materials, labor and finished manufactured products. Heavy industrial sites may also require substantial buffering or separation from non-industrial uses. These buffers may include, for example, natural features, major transportation corridors, etc.

### ***Policy 4.1***

*The city shall encourage a public service and regulatory environment conducive to industrial development, tempered by environmental quality considerations and the availability of public financial resources.*

### ***Policy 4.2***

*Industrial development shall not be located in areas which would diminish the desirability of existing and planned non-industrial uses, nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites.*



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### *Policy 4.3*

*Industrial development shall be located on land which is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land shall be encouraged.*

### *Policy 4.4*

*Heavy industrial sites shall be separated from non-industrial areas by natural features, green belts, major transportation facilities, and/or other suitable means.*

### ***New Staff Comments For 9/26/06 Meeting***

It is important to note that there is no statutorily-defined distance for public notification. The state statute requires notification to the subject property owner(s) and owner(s) of all abutting parcels. The City has reached beyond that state minimum and requires, by Code, a notification distance of 100 feet from all edges of the subject property. To choose distances beyond that 100-foot mark is purely arbitrary and dangerous ground for staff to tread. The danger is in not being equitable to all citizens and businesses in the Salisbury zoning jurisdiction. It would be improper for staff to determine that X-number of feet is the “affected area” for a particular rezoning petition. The petitioner and/or a random neighbor could claim inequity on any distance beyond the code minimums. Conversely, large land tracts typical of rural settings automatically create a larger notification area. Pursuant to the City’s notification requirements, this rezoning petition generates a notification area of 146 acres. (*Please see the image on page 10*) Within this 146-acre area, three (3) residential structures were located. In addition, staff can and should make comments regarding the overall development pattern of a particular area. If that pattern extends beyond the statutory or code minimums, staff is not arbitrarily choosing a distance; instead, an overall development or land-use pattern is being identified.

While on topic, it is important to clarify remarks made in and about the August 8<sup>th</sup> Planning Board staff report. Unfortunately, there is no planning rule or industry minimums for how large of an area should be considered “affected” by heavy industrial zoning. If there is *clearly* a *predominant* development pattern in a



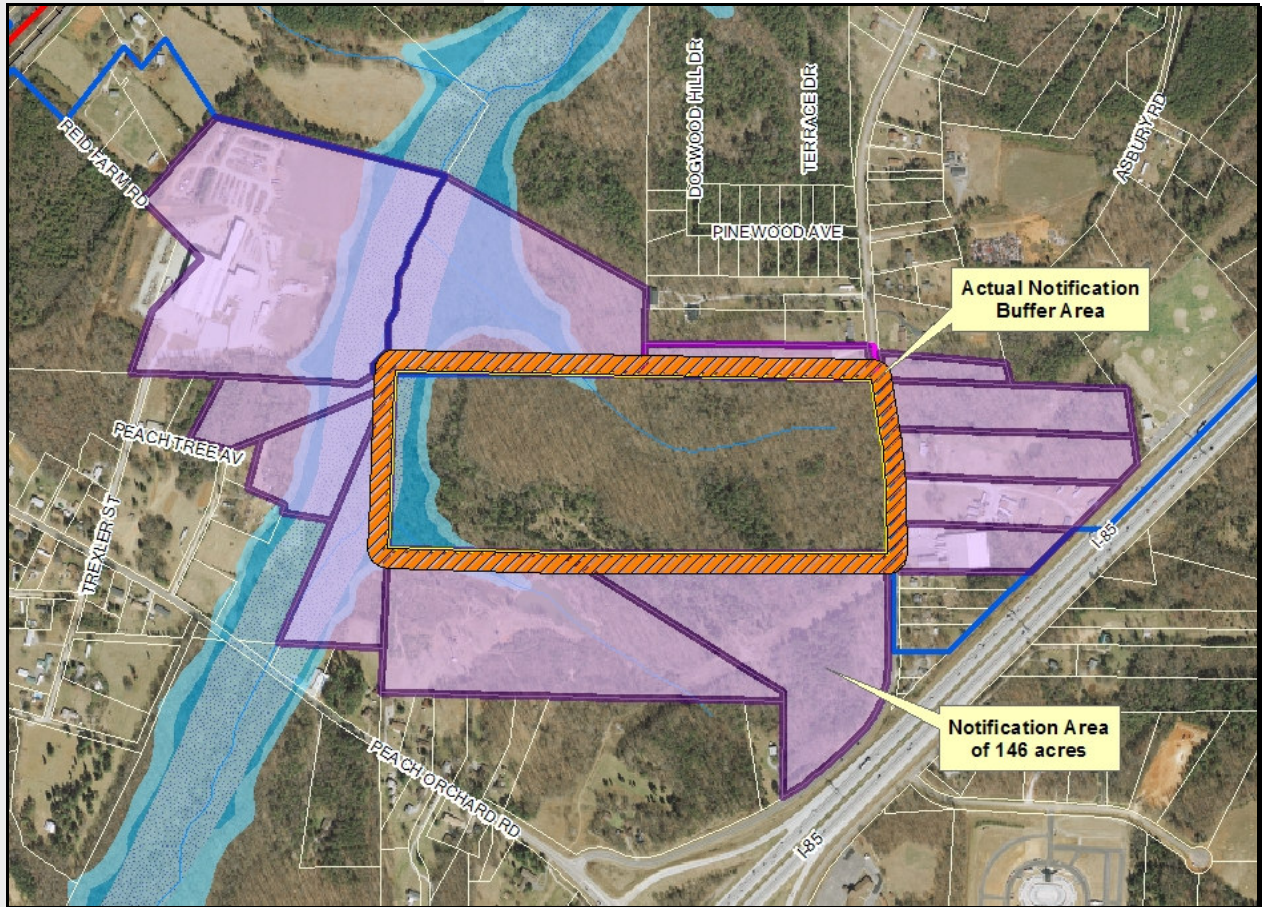
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particular area, that predominant development pattern can be discussed and it may be important to note how large of an area may be positively / negatively affected by a development proposal. In the case of this petition, a rural setting with no clear predominant development pattern or predominant zoning classification makes interpretation very difficult. Policy 7.1 of the Strategic Growth Plan calls for *protection of viable neighborhoods to ensure their continued existence as a major housing source*. Staff does not believe that the notification area, or the overall development pattern, shows evidence of continuation as a major housing source. *However*, that is not to say that policies 4.2 and 7.2 are any less important! The Planning Board and City Council must decide if both heavy and light industrial zoning represents an orderly conversion to a compatible alternative land use and if the potential industrial development will diminish the desirability of planned and existing non-industrial uses. The difficulty lies in the fact that there is not a clear predominant zoning or development pattern. The residential development pattern is rural by design with deep lots and homes located along existing spine roads. The only planned subdivision is located approximately 500 feet north of the subject site with no homes constructed to date. The scattered, rural housing pattern coexists with other light industrial and commercial uses along both Henderson Grove Church Road and Peach Orchard Road.

Staff supports the amended request to split-zone the subject site between M-2 (Heavy Industrial) and M-1 (Light Industrial) districts. The light industrial along Henderson Grove Church Road ensures a compatible zoning pattern along the road frontage while allowing for the more intensive industrial uses within the rear of the site. Although the intensity of uses drops toward Henderson Grove Church Road, you still must ask if the list of permitted and conditional heavy industrial uses is appropriate for that area and the scattered rural development and zoning pattern. The remaining “old” staff comments are as follows.



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### *Old Staff Comments From 8/8/06 Meeting*

Regarding the environment discussion, staff is concerned for the Town Creek floodplain and how new heavy industry on the subject site might negatively impact the area; however, our current zoning code does not establish environmental protection standards. The City is currently working on a complete re-write of the zoning code and this new code includes a chapter on environmental protection – specifically addressing floodplain development and the mitigation of negative impacts on our stormwater systems and flood-prone areas. It is also important to note that implementation of Policy 12.1 (listed above) is underway in this area. The approval of the Town Creek Sewer Interceptor Project by both Rowan County and the City is a significant step in opening the I-85 / US-29 & Rail corridor for future economic development. As has been mentioned in previous staff reports, this area has yet to undergo a large-scale future land-use plan, but the City is working towards a joint City-County long-range planning effort for this important corridor.

Regarding the industrial section, staff does not believe that heavy industrial development in this area will diminish the desirability of existing and planned non-industrial development. As stated before, there is a smattering of residential and non-residential uses, but the development pattern has been shotgun and the area has yet to exhibit a bloom of non-industrial – specifically residential – growth. In fact, staff believes that the opposite is slowly taking shape. For example, the development of the Martin Marietta Materials facility directly across Town Creek from the subject site and the recent rezonings to the M-1 (Light Industrial) district north of this site, along W. Ritchie Road, and in this immediate area exhibits a shift towards industrial growth. Staff believes that this site is physically suitable based on available acreage and demonstrates the desired locational advantages with such proximity to I-85 and rail.



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### **GROWTH AREAS**

This property is located within the 2000 Strategic Growth Plan's as well as the 2020 Comprehensive Plan's *Secondary Growth* boundary.

### **WATER & SEWER**

Neither water nor sewer service is provided to the subject site.

### **CODE REQUIREMENTS**

#### **Landscaping / Buffering**

Development in the M-1 and M-2 districts will be required to provide an F-buffer yard and an A-buffer yard with Complete Visual Separation against the A-1 and M-1 districts, respectively.

#### **Setbacks**

*Front* = NONE / *Side* = 4 / *Rear* = 4

#### **Height**

No Maximum

#### **Signage**

Sign Type	Maximum Size	Maximum Height
Ground	100 sq. ft.	30 ft.
Wall	2.0 sq. ft.	N/A
Canopy or projection	75 sq. ft.	N/A
Industrial parks less than 300 acres (1 per entranceway)	40 sq. ft.	8 ft.
Industrial parks 300 acres or more (1 per entranceway)	60 sq. ft.	20 ft.
Industrial park interstate identification sign (1 per park)	125	10 ft.

### **HISTORY**

#### **Original Zoning**

These properties and most of the area was originally zoned A-1 district. The A-1 district was established in 1972.

#### **Z-9-73**

Across Henderson Grove Church Road from subject site, this property (TM&P 401-013) was rezoned from



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Z-13-75

A-1 to M-1 district on May 1, 1973. Petitioner was Food Vendors Supply, Inc.

Across Henderson Grove Church Road from subject site, this property (TM&P 401-012) was rezoned from A-1 to M-1 district on February 17, 1976. Petitioner was Jerry File.

Z-14-92

This was a request to rezone a portion of the subject site when the City's Extra-Territorial Jurisdictional boundary was located further south along Henderson Grove Church Road. According to the file, the Planning Board provided a recommendation of approval to rezone 25 acres from A-1 to M-1 district as requested by Florida Transfer & Freight, Inc.; however, there is no record of City Council acting on this petition. Since then, the ETJ boundary was shifted north and re-adopted by City Council on August 3, 1999.

Z-02-01

Across Henderson Grove Church Road from subject site, this property (TM&P's 401-15, 16, 44, and 14) was rezoned from A-1 to M-1 district on March 20, 2001. The original petition only requested a change to 1 acre, but the Planning Board recommended an expanded area encompassing 4.7 acres.